

REMARKS

This Response is in reply to the Office Action mailed on August 11, 2004. Claims 1-14 are pending and claims 1, 6 and 10 have been amended herein. Claims 13 and 14 have been added. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

Amendments to Specification and Claims

The abstract has been amended to overcome the Examiner's objection. Specifically, "means" has been deleted and replaced with a rod and electrical motor. Also, other minor informalities in the specification have been corrected.

Claim 1 has been amended to include the limitation that the curved portion of the sexual aid device is inserted into a vagina or an anus and the mechanical means causes a combination of movements. Claim 6 has been amended to delete "come hither" and add back-and-forth. Claim 10 has been amended to correct the dependency of the claim. Support for the amendments to the claims is described in the specification beginning on pages 7-9, and shown in the figures. No new matter has been added.

Claim Rejections - 35 USC §102(b)

Claims 1, 2, and 5-8 are rejected under 35 U.S.C. §102(b) as being anticipated by Bradley (U.S. 4,002,164). Claims 1, 4, and 7-9 are rejected under 35 U.S.C. §102(b) as being anticipated by Bakunin et al. (U.S. 3,504,665). These rejections are respectfully traversed.

Independent claim 1 has been amended to include the features that the curved portion of the sexual aid device is inserted into a vagina or an anus and the mechanical means causes a combination of movements. It is Applicant's contention that claim 1 of the present invention is not anticipated by cited prior art because the features are not present in Bradley and Bakunin.

By reason of their dependency on independent claim 1, the Applicant asserts that claims 2-14 are also patentable over Bradley and Bakunin.

In the present invention, the sexual aid device comprises a curved portion that is easily inserted into a vagina or an anus. A substantially straight portion extends from a proximal end of the curved portion thereby forming an approximate J shape and there is a mechanical means for causing movement or a combination of movements of the curved portion.

With regard to the back-and-forth motion, the tip of the curved portion of the sexual aid device can simulate the action of a human finger flexing in a back-and-forth motion ("come hither" motion) that is coupled to vibration to achieve stimulation in a vagina or an anal canal. The prior art sexual aid devices do not provide both the back-and-forth motion of the tip of the curved portion, vibration of the curved portion and vibration of the clitoral stimulation portion or the choice of a combination of these motions.

Bradley does not teach or suggest a mechanical means for causing movement of said curved portion of a sexual aid device as recited in amended claim 1. The Bradley device is a prostate massager and the motion is imparted to the straight portion. Furthermore, Bradley does not teach that the curved portion is inserted into a vagina or an anus as recited in amended claim 1. In Bradley, the device teaches the opposite use of the present device. The massager (straight portion) is inserted to an anus to massage the prostate gland and the U-shaped hand and grip bar (curved portion) is used to grasp the device.

Bakunin does not teach a sexual aid device having mechanical means for causing a combination of movements to the curved portion as recited in amended claim 1. The device of Bakunin only oscillates.

Accordingly, Bradley or Bakunin do not anticipate the present invention as recited in independent claim 1. As stated above, by reason of their dependency on independent claim 1, the Applicant asserts that claims 2-14 are also patentable over Bradley and Bakunin. Therefore, it is respectfully requested that the anticipation rejections be withdrawn.

Claim Rejections - 35 USC §103(a)

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable Bakunin et al. (U.S. 3,504,665) as applied to claim 1 above, and further in view of Tsai (U.S. 6,190,307). This rejection is respectfully traversed.

As stated above, independent claim 1 is patentable because the features that the curved portion of the sexual aid device is inserted into a vagina or an anus and the mechanical means causes a combination of movements are not present in the cited prior art. By reason of its dependency on independent claim 1, the Applicant asserts that claim 3 is also patentable over the cited prior art.

Furthermore, the Applicant submits that there is absolutely no teaching or suggestion in Bakunin that would lead one to combine the teachings of that reference with Tsai. Tsai actually teaches away from a J shaped sexual aid device. Accordingly, absent some motivation, one of ordinary skill in the art would not combine the invention of Bakunin with the teachings of Tsai. Furthermore, Applicants submit that even if the references were combined, the result would not be the present invention.

Accordingly, Applicant asserts that claim 3 is patentable over the cited prior for the reasons stated above. It is therefore respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn.

Conclusion

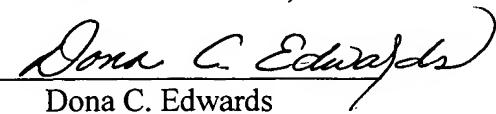
In view of the amendments to the claims made herein and the arguments presented above, it is submitted that the Examiner's rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

The Applicants note that there is no indication that the drawings are acceptable. The Applicants respectfully request that the Examiner provide indication that the drawings are accepted by the Examiner in the next formal communication.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

A one-month extension fee is being filed with this Response to Office Action. In the event that any other extensions and/or fees are required for the entry of this Response, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
STEINBERG & RASKIN, P.C.

By: 
Dona C. Edwards
Reg. No. 42,507

Steinberg & Raskin, P.C.
1140 Avenue of the Americas
New York, New York 10036
(212) 768-3800